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REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 35-46 and 50 have been amended. Claims 16-34 and 59-66 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-15 and 35-58 are presented for examination.

Objection

The Examiner objects to the Title for being non-descriptive.

Applicants respectfully disagree with the Examiner; however, for the sake of expediting issuance of this case, Applicants propose amendments to the Title. Accordingly, Applicants respectfully request the withdrawal of the objection of the Title.

35 U.S.C. § 102 Rejection

Claims 1-66 are rejected under 35 U.S.C. §102(e) as being anticipated by Kundu Pub, et al., U.S. Patent Application No. 2005/0132041 ("Kundu").

Claim 1, as amended, recites:

A method, comprising:
associating a resource with a monitor managed bean at a node of a monitor tree, wherein the monitor tree having the node including the monitor managed bean and the resource associated with the monitor managed bean;
monitoring resources including the resource via a runtime managed bean;
requesting monitoring information regarding the resource from the runtime managed bean; and
receiving the monitoring information at the node via the monitor managed bean.
(emphasis added).

Applicants respectfully disagree with the Examiner's characterization of the reference and the pending claim. However, for the sake of expediting issuance of this case, Applicants propose additional amendments and submit the following remarks.

Kundu discloses “[me]thods, apparatus and computer programs for monitoring resources within a data processing network. *Monitoring entities can be selected, and a set of active monitoring functions can be modified, based on the requirements of consumers of monitored data. A first method involves monitoring resources on behalf of consumer entities within the network.* A description of the consumer entity's monitoring requirements are published by the consumer entity and stored in a repository. The monitoring requirements of the consumer entity are compared with the monitoring capabilities of a plurality of monitoring entities, to identify a monitoring entity capable of satisfying the monitoring requirements of the consumer entity. An identified monitoring entity is selected, and a connection is established between the selected monitoring entity and the consumer entity. *A second method involves modifying an active set of monitoring functions in response to changes to monitoring requirements of a currently active set of consumer entities.*” (Abstract; emphasis added).

Referring now to parts of the section relied by the Examiner, Kundu discloses “[a]spects of the present invention provide methods, apparatus and computer programs for monitoring resources within a data processing network. *Monitoring entities can be selected, and a set of active monitoring functions can be modified, based on the requirements of consumers of monitored data.*” (paragraph 0011; emphasis added).

Kundu further discloses “[t]he compared capabilities of the monitoring entities may include one or more of the following: the set of resources currently being monitored by the monitoring entity; the set of resources which the monitoring entity is capable of monitoring; the monitoring metrics which the monitoring entity is currently monitoring; the monitoring metrics which the monitoring entity is capable of monitoring; the current granularity of monitoring; the granularity capability of the monitoring entity; the current monitoring period; the monitoring entity's monitoring period capability; and the data

format capabilities of the monitoring entity.” (paragraph 0015).

The Examiner further refers to paragraphs 0067 and 0072, but neither paragraph discloses any of the features of claim 1. For example, claim 1, as amended, in pertinent part, recites “associating a resource with a monitor managed bean at a node of a monitor tree, wherein the monitor tree having the node including the monitor managed bean and the resource associated with the monitor managed bean . . . monitoring resources including the resource via a runtime managed bean . . . receiving the monitoring information at the node via the monitor managed bean.” (emphasis added). Kundu does not teach or reasonably suggest at least these limitations of claim 1. For example, Kundu does not teach or suggest a “monitor tree having the node including the monitor managed bean and the resource associated with the monitor managed bean” as recited by claim 1 (emphasis added).

Applicants respectfully remind the Examiner that anticipation under 35 U.S.C. Section 102 *requires every element of the claimed invention be identically shown in a single prior art reference*. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, *every element of the claimed invention must be identically shown in a single reference.*” (*In Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990); emphasis provided). Applicants submit that Kundu fails to identically show *every element* of claim 1. Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 35 and 44 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 35 and 44 and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

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Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: May 9, 2008


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